

APPROVED: Meeting No. 32-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 04-87

February 2, 1987

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 2, 1987, at 6:30 p.m. to discuss personnel matters.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 7:45 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 2, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

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In attendance: City Manager Richard Robinson, City Clerk Carol Kachadoorian, and City Attorney, Paul Glasgow.

Mayor Van Grack welcomed Cub Scouts from Pack 1753 stating that he was pleased to see that the members of the Pack were earning their citizen achievement award by attending the meeting.

Re: Invocation

Robert Goodin, Director of Public Works for the City of Rockville, presented the invocation.

Re: City Manager's Report

City Manager, Richard Robinson, reported the following:

1. The City is offering income tax assistance for low income residents of the Rockville area. The assistance will be provided at City Hall and those interested in taking advantage of the service should call the City's Department of Community Services to set up an appointment.

2. The first of a series of human relations training workshops for supervisors in the City has been scheduled for February 12. The training will be provided by the Montgomery County Office of Human Relations and will include three workshops in the areas of hate and violence, sexual harassment, and human relations.

3. The two recent snow storms in the area left a total of 28 inches of snow in Rockville. All departments including Public Works, Recreation and Parks, and Police were up to the task of providing snow removal, with most city streets opened within 24 hours. The success of the operation is due to both good planning and the responsiveness of City crews. In spite of this, staff is planning to conduct a critique of its snow removal operation to see how it can be improved next time.

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Re: Mayor's Report

Mayor Van Grack reported the following:

1. The Mayor and Council will meet on Tuesday morning, February 3, 1987, with Chief Bernard Crooke of the Montgomery County Police Department to discuss police services in the City of Rockville. Mayor Van Grack reminded those listening of the two public forums on Police Services scheduled for Saturday, February 7, 1987, beginning at 9:00 a.m. at the Lincoln Park Community Center and Wednesday, February 18, 1987, beginning at 7:30 p.m. at the Senior Center.
2. Mayor Van Grack thanked Councilmen Coyle and Hartogensis for attending the recent School Board public hearing when he presented testimony. The show of support from other members of the Mayor and Council was of assistance when presenting the testimony from the City.
3. The City received a check for \$300 from the Rockville Lions Club to contribute to funding needs for the City's program in fighting drug abuse.

Re: Appointments

The Mayor made the following appointments which were confirmed by members of the Mayor and Council:

Cultural Arts Commission: Elaine Hartogensis - 2-year term
36 Orchard Way South

Senior Citizens Commission: Tom Reilly - reappoint as Chairman - 1 year term
1606 Gruenther Avenue

Benton Hannan - reappoint - 3 year term
199 Rollins Avenue

Traffic & Transportation
Commission:

Mary Lynn Scott - reappoint - 2-year term
505 West Montgomery Avenue

Councilman Hartogensis abstained from the vote for Elaine Hartogensis as he is married to Ms. Hartogensis.

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Re: Presentations -
Appreciation for Carlos
Caban

Mayor Van Grack noted that Mr. Caban could not be present that evening and that the presentation is rescheduled for the next meeting on February 9, 1987.

Re: Citizens' Forum

1. Sima Osdoby, who was representing her daughter Margaret, said that Margaret felt that while she had come to citizens' forum several times to complain it was important to come to compliment the City on its fine job of snow removal. She was at home doing her homework that evening and asked her mother to attend on her behalf. Margaret wanted the Mayor and Council to know that she is impressed with the job that the City had done.

2. Mansfield Caseman, 704 Carter Road, complimented the City for the excellent job it did on snow removal. He did raise the issue of the removal of snow at bus stops and asked the City to work with the appropriate authorities to get the bus stops cleared. In response to a question from Councilman Coyle, Robert Goodin, Director of Public Works, stated that past practice has normally been for the City to respond to such problems as they are called in. However, he noted that most past snow storms have been lesser in terms of the amount of snow that accumulated. He added that the City does not customarily do inter-agency billing for the removal of snow in those areas that it does not have responsibility.

Councilman Hartogensis asked who is responsible for clearing bus stops, and Mr. Goodin responded that if it were to be done by the City it would be an added service. He noted, however, that it would be helpful for property owners adjacent to the bus stops to provide that type of service. City Manager Richard Robinson stated that the City would look into this issue as part of its

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critique. Councilman Duncan asked that the performance of the state in its snow removal efforts, particularly along Rockville Pike, be included in the critique.

3. Leah Barnett, 19 Orchard Way North, also congratulated the City on its efforts in snow removal. However, she cited a problem of the snow being plowed in such a way that it blocked access to mailboxes in those areas where "mounted" lettercarriers delivered the mail. She asked that the plowing be done to the curb so that this problem did not occur again. In addition, Ms. Barnett, citing an example of poor cab service, asked the City to work with Montgomery County in gaining better service from taxis since it is the County that licenses and regulates taxi cabs.

4. Dick Arkin, 525 Lynch Street, commended the City in its snow removal efforts stating that it was quite good and that it is the type of service that the City is used to. It is the extra level of service that is received for the tax dollars paid by City residents. Mr. Arkin stated that he would be unable to attend either of the public forums on police services, and therefore, presented his views to the Mayor and Council this evening.

He stated that police services in the City were quite good particularly since the City has its own supplemental service. However, he expressed his support for a joint dispatch with the County, as well as upgraded training for the officers in the City's department. He suggested that because there are limited promotional opportunities for police officers in the City, promotional opportunities for City officers be found with the Montgomery County Police. In addition, he reiterated his strong support for the City's role as a supplemental police department and urged the Mayor and Council to keep it in tact. Councilman Hartogensis asked Mr. Arkin to provide a written summary of his comments for the record.

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5. Dave Thomas, 818 Brice Road, asked the Mayor and Council that in their work session following this evening's meeting a number of factors regarding Westmont be considered: First, the different economic conditions existing in 1987 as compared to 1985, when the development first came before the City; second, the long-term infrastructure costs of the proposed development such as maintaining lakes and roads; and third, flaws in the traffic study done in November 1985 by Barton-Ashman.

6. Bill Myer, 804 Leverton Road, congratulated the City on its snow removal efforts and suggested that the clearing of sidewalks be included in the critique particularly with regard to the fact that it is the responsibility of the property owner to clear his or her own sidewalk. In response to a question from Councilman Coyle, City Manager Robinson responded that the City relies on voluntary compliance of this regulation. However, he stated that a better way of forcing it would be in the critique.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Consent Agenda

On a motion from Councilman Duncan, duly seconded, and unanimously passed the Mayor and Council approved the next four items of the consent agenda.

Re: Approval of transfer of ownership of the First Street extension between Veirs Mill Road and Rockville Pike to the Maryland State Highway Administration.

The First Street roadway and railroad bridge was constructed by the City of Rockville under a federal funding program. The actual cost to the City for this

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major improvement in traffic flow represented only approximately 5% of the total \$4,000,000 cost.

At the outset, at the City's request, the Maryland State Highway Administration ((MDSHA) agreed to accept the highway into their maintenance system once the City had completed the construction in conformance with MDSHA specifications. This will relieve the City of a major maintenance responsibility.

The MDSHA recently conducted a final project review and are now agreeable to acceptance of both the roadway and bridge. Accordingly, they have prepared the attached transfer agreement. In connection with this transfer, a small portion of the right-of-way for First Street, which was acquired by the City, must be deeded to the MDSHA. This will be handled as a separate document to be prepared by the City Attorney at a future date.

The City Attorney's office has reviewed and approved the document for Legal sufficiency.

The transfer of the roadway/bridge is a benefit to the City and is being done at City request. I would, therefore, recommend the Mayor and Council authorize the City Manager to:

- (1) Sign the transfer agreement.
- (2) Execute documents as required for transferring the rights-of-way to the MDSHA.

Re: Award of Bid 39-87: Police
Police Vehicles

As part of our Vehicle Replacement Program, Bid No. 39-87 was opened on January 15, 1987, at 2:45 p.m. The purpose of the bid is to provide for the replacement of four police patrol cruisers scheduled for replacement in FY 87.

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Last year we were able to take advantage of the State Bid for the State Police vehicles which provided for savings of approximately \$800 in the purchase of five vehicles. The same opportunity presents itself this year with savings of approximately \$2,800.

The State bid is for over three hundred units with the possibility of Montgomery and Howard Counties participating with 65 and 35 additional units respectively. This allows us to take advantage of the "volume bid" compared with our annual bids on four to seven cruisers.

Our specifications include the following "The right to reject any or all bids or parts of bids where either the dollar amount exceeds the budget allocation or when the public interest will be served thereby".

Our FY 87 budget provided \$11,600 per vehicle for four vehicles or a total of \$46,400. Our purchase price in FY 86 (through the State) was \$10,775.88 for each of five vehicles.

There were 25 proposals sent out and we received 4 responses.

Vendor	Model	Unit Bid	Total Bid
1. Century Ford Inc. 718 Rockville Pike Rockville, MD 20852	Crown Victoria	\$12,130.59	\$48,522.36
2. Lanham Ford 9020 Lanham-Severn Road Lanham, MD 20716	Crown Victoria	\$12,260.00	\$49,040.00
3. Hill & Sanders Ford 11250 Veirs Mill Road Wheaton, MD 20902	Crown Victoria	\$12,392.82	\$49,571.28
4. J.K.J. Chevrolet 2000 Chain Bridge Road Vienna, VA 22180	Caprice	\$12,398.00	\$49,592.00

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5. (State)
 Legum Chevrolet/Nissan Caprice \$11,419.93 \$45,679.72
 7900 Eastern Avenue
 Baltimore, MD 21224

Budget Provision \$11,600.00 \$46,400.00

The vehicles purchased through the State vendor (Legum Chevrolet) would be in accordance with our specifications.

I recommend the Mayor and Council take the following actions:

- (1) Reject the bids received under Vehicle Replacement Bid #39-87 (Police Patrol Vehicles); and
- (2) Authorize the City Manager to purchase four police patrol cruisers through the State vendor (Legum Chevrolet) for a total cost of \$45,679.72.

Re: Award of Bid 42-87: Leaf Collectors

As part of our Vehicle Replacement Program, Bid No. 42-87 was opened on January 16, 1987, at 2:00 p.m. The purpose of this bid is to provide for the replacment of two 14 cubic yard leaf collectors gasoline powered with two 25 cubic yards leaf collectors diesel powered in FY 87.

There were 20 proposals sent out, and we received one response.

Vendor	Model	Unit Bid	Total Cost
1. John C. Lewis Co. 8100A Beechcraft Avenue Gaithersburg, MD 20879	American Roads	\$14,396.00	\$28,792.00
Budget Provision		\$16,000.00	\$32,000.00

The last purchase of similar units occurred in November 1986 at a cost of \$14,800.00 each.

I recommend that we award the contract to John C. Lewis Co. for supplying the two 25 cubic yard leaf collectors for the low bid price of \$28,792.00.

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Re: Award of Bid 17-87:
Multi-Year Sewer Control
Contract

This program consists of treating the City's worst root-infested sanitary sewer mains with an E.P.A. approved herbicide. The chemical is introduced into the mains in the form of foam, filling them from manhole to manhole, killing the roots and preventing regrowth in and around the pipes. In the past, the City has advertised and awarded similar contracts on an annual basis. This multi-year contract (5 years) will allow the City to treat seventy-five (75) miles, and to plan far in advance the expenditures of the program.

Invitations were mailed to four (4) companies and advertised in five (5) bid publication services. One bid was received:

TOTAL COST (5 YEARS)

Duke's Sales and Services, Inc.
1020 Hiawatha Boulevard
Syracuse, NY 13204

\$352,650.00

Over the life of the contract, the cost will average \$4,702.00 per mile.

The chemicals and application will cost, per foot:

FY 87	FY 88	FY 89	FY 90	FY 91
\$0.79	\$0.84	\$0.89	\$0.94	\$1.00

Except for FY 81, Duke's Sales and Service, Inc. has been awarded past contracts for chemicals and application. Sanafoam Vaporooter is foamed into sewer lines using a method which has been patented by Airrigation Engineering Company, Inc., and registered with the E.P.A. Duke's Sales and Service, Inc., is the only organization licensed by Airrigation Engineering Company, Inc., to use these methods within the State of Maryland. The bid price for chemicals and application, per foot, for previous years was:

FY 81	FY 82	FY 83	FY 84	FY 85
\$0.92	\$0.93	\$0.93	\$0.93	\$0.79

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Mainline sewer stoppages have decreased enormously since Sanafoam Vaporooter was introduced into the City's mains. Using figures for FY 76 through FY 86, there has been a 42% decrease in mainline stoppages and a 47% decrease in lateral stoppages at the mainline connections.

I recommend that award be made to Duke's Sales and Service, Inc., for a five-year contract for chemicals and application for a total award of \$352,650.00 for seventy-five (75) miles of line.

Re: Decision and Instructions
to Staff, Residential
Townhouse Development
Application, RTH-6-86,
Joseph A. Lynott, Attorney
for EBH Enterprises
Limited, Application
(Martins Lane and North
Street)

Councilman Abrams asked Councilman Coyle that due to his interest in sprinkler systems for multi-family units, he would like to see this item deferred for a while. In response, Councilman Coyle asked the status of scheduling a presentation by the Montgomery County Fire Marshall and learned from the City Clerk that a date has not yet been confirmed. Councilman Coyle stated that the County has passed its ordinance regarding multi-family units and is working on one for townhouse developments. Councilman Hartogensis stated that he does want to consider an ordinance regarding sprinkler systems in multi-family and townhouse developments. However, he did not feel it was fair to hold up this particular application because of that.

City Manager Robinson noted that when this developer applies for a permit to begin building his development, if an ordinance regarding sprinkler systems in townhouse developments has been passed by the Mayor and Council, the applicant would have to comply with it.

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Councilman Abrams raised the issue of providing more moderately priced housing by increasing the density of a development in exchange for relaxing parking requirements and asked that more information be provided on this item. In particular, he asked staff to review the incentive program for affordable units currently under consideration in the City of Alexandria, Virginia, stating that the Alexandria program was in response to concerns from the community regarding the redevelopment of existing rental complexes. He stated, however, that he would like to move forward with this application at the same time that the issue of increasing the density is considered.

Councilman Duncan stated that he feels the request from Councilman Abrams would require a complete review of the existing RTH ordinance and concurs that while he would like to review the ordinance, he does not want to hold up this particular application. City Manager Robinson advised the Mayor and Council that the situation in Alexandria relates to existing rental units being converted to condominiums. He stated that the goal of the program in Alexandria is to keep as many rental units as possible, thus preserving more moderately priced housing.

Mayor Van Grack stated that he likes Councilman Abrams goal but does want to move forward with this particular application. On a motion from Councilman Duncan, duly seconded, the Mayor and Council on a vote of 4 ayes and 1 nay, Councilman Abrams voting nay, moved to direct staff to prepare the necessary documents to approve the residential townhouse development application subject to the conditions set by the Planning Commission.

City Manager Robinson advised the Mayor and Council that an additional parcel of land adjacent to that on which this RTH application is for had been obtained by the developer and that another RTH application had been filed with

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the City which would provide for a slightly larger development. He stated that the decision on the RTH-6-87 would not affect a decision by the Mayor and Council on the new application.

Re: FYI/Correspondence

1. Councilman Hartogensis commented favorably on City Manager Robinson's response to the residents of New Mark Commons regarding the maintenance of the infrastructure of that development. He stated that he feels it is a very constructive approach to the issues and concerns raised by the Association. Mr. Robinson stated that the program developed by staff would be publicized in Rockville Reports. Councilman Coyle asked if the City would be meeting with the various associations such as New Mark Commons to explain the options available with them. Mr. Robinson stated that staff will work with the associations to design a maintenance program should they desire such assistance. He noted that while the associations cannot piggyback on City contracts for maintenance items, the City will assist the associations in designing specifications for work to be done and put them in contact with the City contractors. In response to a question from Councilman Duncan regarding the dedication of roads in planned residential units, Mr. Robinson stated that before the roads can be dedicated to the City they must be brought up to establish standards. Again, he stated that staff will work with the associations to develop a program to bring their roads up to established standards if that is their desire. However, he noted that most associations with whom the City has had contact feel that this approach is too expensive, and they prefer the program as developed by the City.

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Re: New Business

1. Councilman Coyle asked the Mayor and Council to provide direction to staff regarding how to proceed with a rent stabilization program. Councilman Duncan stated that his preference is to move ahead with a rent stabilization guidelines program making use of the County's public education program to collect data during the next year on the possible need for a subsidy program by the City.

City Manager Robinson asked that a work session on the issue be set so that staff can gain specific direction from the Mayor and Council in order to design a rent stabilization guideline program. The work session was scheduled for February 9, 1987, following the general session of the Mayor and Council.

2. Councilman Abrams asked for a status report on speed checks that have been done by the Police Department on Beall and Anderson Avenues.

3. Councilman Abrams asked the Mayor and Council to consider a second sister city. He suggested that Hurraray, Zimbabwe, be considered. Councilman Hartogensis asked that in considering the item the Mayor and Council keep in mind the amount of work involved with one sister city. In response, Councilman Abrams stated he shares Councilman Hartogensis concern regarding the amount of work. However, he would expect that a different group of City residents would be involved should the City select a second sister city from a different part of the world such as South America or Africa.

It was the consensus of the Mayor and Council to explore this option. The City Manager was asked to check with Sister Cities International to see if it would be possible for the City to have a second sister city and how to do so.

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4. In response to a question from Councilman Duncan regarding the City's archives program, the City Clerk, Carol Kachadoorian, explained that the City expects to be piggybacking on an existing Montgomery County contract with History Associates to identify and store archival records.

There being no further business to come before the Council in general session, the meeting was closed at 9:20 p.m. for a work session on Westmont.

Re: Work Session: Westmont
Concept Plan Application

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the chair.

In attendance: City Manager Richard Robinson, City Clerk Carol Kachadoorian, City Attorney Paul Glasgow, and Acting Director of Planning Larry Owens.

The Mayor and Council reviewed the current status of several items in the Westmont Concept Plan. Decisions were made on the following items:

Park and Recreation - The five-acre park site, the stream valley linking Dogwood Park to the lake area, and all 100-year flood areas will be retained in private ownership and placed in public conservation and open space easements. In addition, the residential component of the development will contain recreation facilities to serve its residents. The developer will provide 50 additional parking spaces for Dogwood Park in or immediately adjacent to the park. With respect to the lake, the developer will provide a jogging trail

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around the lake, linking the lake to Dogwood Park. The jogging trail will be within the public easement. The construction and operation of a boating facility will be at the option of the developer.

Roads and Access - Access to the residential development will be from Westmont Boulevard North. If only a single means of access is provided, the need for a second, emergency only access way through Dogwood Park will be decided by the Planning Commission during its review of the Detailed Application for the residential component.

Lake, Dam, and Storm Water Management - The developers will be responsible for providing an approved design and permit for the lake and dam by the time the first application for construction permits covering either public or private improvements. The City will construct the lake and dam according to design plan and the permit provided by Westmont. In addition, the developer will convey to the City a fee simple interest in that portion of the project which constitutes the land underlying the location of the lake and dam and its related elements, such as the emergency spillway. Westmont will reserve an easement across such areas for the East Access Road and related construction activities.

Finally, Westmont will pay its share of the cost of the lake and dam equal to its normal storm water management fund contribution, plus interest for City financing. In addition, the developer will pay all costs of the upgrades of the lake and dam, plus interest for City financing.

Re: Adjournment

There being no further business to come before the Mayor and Council in work session, the meeting was adjourned at 10:30 p.m. to convene again in executive session on Tuesday, February 3, 1987, at 8:00 a.m. or at the call of the Mayor.